

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARL LAWRENCE ESTEP,

Defendant.

FINDINGS &
RECOMMENDATION
CONCERNING PLEA

CR 10-10-BU-DWM
OCT 22 2010
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK MISSOULA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 (Count I), and to one count of mail fraud in violation of 18 U.S.C. § 1341 (Count III) as set forth in the Superseding Indictment filed in this case. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II and IV of the Superseding Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,
2. That the Defendant is aware of the nature of the charges against him and

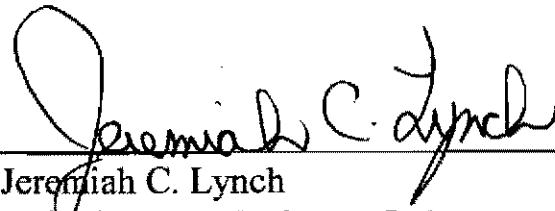
consequences of pleading guilty to the charges,

3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That the pleas of guilty are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I and III of the Superseding Indictment, and that sentence be imposed. I further recommend that Counts II and IV of the Superseding Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 22nd day of October, 2010.



Jeremiah C. Lynch
United States Magistrate Judge